

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :  
: Plaintiff, :  
v. : : Criminal Action No. 99-33-2-JJF  
: :  
LEROY COLEY, : Defendant. :  
: :  
:

O R D E R

At Wilmington, this 8 day of July 2005, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:

1. Defendant's Motion For Modification Of Sentence Pursuant To 18 U.S.C. § 3582(c) (2) (D.I. 204) is DENIED.
2. To the extent that a determination regarding a certificate of appealability under 28 U.S.C. § 2253(c) (2) may be required, the Court finds that Defendant has failed to make "a substantial showing of the denial of a constitutional right" see United States v. Cepero, 224 F.3d 256, 267-68 (3d Cir. 2000), and therefore, a certificate of appealability is DENIED.

  
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UNITED STATES DISTRICT JUDGE